

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

KARL W.P. SAWYER,

Plaintiff,

Case No. 2:22-cv-00456

-VS-

NICHOLAS SCHAD and
TOWN OF EAST TROY,

Defendants.

ANSWER AND AFFIRMATIVE DEFENSES

The Defendants, Nicholas Schad and Town of East Troy, by their attorneys, Kasdorf, Lewis & Swietlik, S.C., answer the Plaintiffs' Complaint as follows:

1. In answer to paragraph 1 of the Plaintiff's Complaint, these Defendants lack knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained therein and, therefore, deny the same.

2. In answer to paragraph 2 of the Plaintiff's Complaint, admit.

3. In answer to paragraph 3 of the Plaintiff's Complaint, admit.

4. In answer to paragraph 4 of the Plaintiff's Complaint, these Defendants admit that on April 1, 2020, Officer Schad was working within the scope of his employment as a police officer of the Town of East Troy Police Department and acting under color of Wisconsin law. These defendants deny that Officer Schad unlawfully entered Sawyer's property.

5. In answer to paragraph 5 of the Plaintiff's Complaint, these Defendants admit that prior to his entry onto Sawyer's property on April 1, 2020, Officer Schad did not ask Sawyer for

permission to enter Sawyer's property. These Defendants deny that Sawyer did not give Officer Schad permission to enter his property.

6. In answer to paragraph 6 of the Plaintiff's Complaint, deny.
7. In answer to paragraph 7 of the Plaintiff's Complaint, admit.
8. In answer to paragraph 8 of the Plaintiff's Complaint, deny.
9. In answer to paragraph 9 of the Plaintiff's Complaint, deny.
10. In answer to paragraph 10 of the Plaintiff's Complaint, deny.
11. In answer to paragraph 11 of the Plaintiff's Complaint, deny.
12. In answer to paragraph 12 of the Plaintiff's Complaint, deny.
13. In answer to paragraph 13 of the Plaintiff's Complaint, deny.
14. In answer to paragraph 14 of the Plaintiff's Complaint, deny.
15. In answer to paragraph 15 of the Plaintiff's Complaint, deny.
16. In answer to paragraph 16 of the Plaintiff's Complaint, deny.
17. In answer to paragraph 17 of the Plaintiff's Complaint, deny.
18. In answer to paragraph 18 of the Plaintiff's Complaint, deny.
19. In answer to paragraph 19 of the Plaintiff's Complaint, deny.
20. In answer to paragraph 20 of the Plaintiff's Complaint, deny.
21. In answer to paragraph 21 of the Plaintiff's Complaint, deny.
22. In answer to paragraph 22 of the Plaintiff's Complaint, deny.
23. In answer to paragraph 23 of the Plaintiff's Complaint, deny.

AFFIRMATIVE DEFENSES

The Defendants raise the following affirmative defenses:

1. Officer Schad is entitled to qualified immunity.

2. Plaintiff seeks damages beyond those to which he may be entitled.
3. Plaintiff failed to mitigate his damages.
4. Plaintiff fails to state a claim upon which relief may be granted.
5. The Defendants' actions were privileged.
6. The Defendants acted in good faith belief that their actions were constitutional, and that such a belief was reasonable under the circumstances, and these Defendants reasonably relied on existing law.

WHEREFORE, these Defendants request judgment dismissing the Plaintiffs' Complaint upon the merits with prejudice and awarding these Defendants all costs and attorney's fees in defending against this action.

Dated this 18th day of April, 2022.

KASDORF, LEWIS & SWIETLIK, S.C.
Attorneys for Defendants, Nicholas Schad and
Town of East Troy

Electronically signed by Thomas A. Cabush

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